



Truro Planning Board Agenda Remote Public Meeting – Work Session

Wednesday, August 2, 2023 – 5:00 pm
www.truro-ma.gov

Open Meeting

Remote Meeting Access Instructions: Citizens can join the meeting to listen by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-877-309-2073](tel:1-877-309-2073) and entering the access code [347-663-237#](tel:347-663-237#) when prompted. Citizens will be muted upon entering the meeting.

Meeting link: <https://meet.goto.com/347663237>

Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

Planner Report

Chair Report

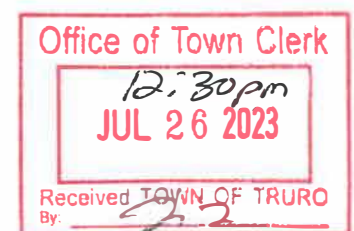
Potential Warrant Articles Discussion

- ◆ Duplex
- ◆ Other Zoning Articles

Next Work Session: Discussion

Next Meeting: Wednesday, August 9, 2023 at 5:00 pm

Adjourn



DRAFT REVISED DUPLEX BYLAW for FALL TOWN MEETING 7.13.23

This version includes additions, changes and questions for the Board to consider based on comments at the March 29, 2023 Public Hearing & discussion at 5.24.23 Planning Board Meeting & feedback at the 6.8.23 Truro Housing Authority Meeting.

§ 40.1 Duplex Houses ~~and Apartments~~

- A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems of obtaining adequate housing, ~~duplexes may be created by Right the Board of Appeals may approve a special permit authorizing the~~ through new construction of duplex houses or the conversion of single-family dwellings to 2 units ~~apartments~~, consistent with the following conditions.
- ~~B. New Construction. Lots of one acre or more are required for new construction; the duplex shall not exceed 3,000 sq. ft.; the requirements of paragraph D shall be met.~~
- ~~C. Conversion of single family dwellings in any zoning district except the Seashore District and the Water Resource Protection District may be approved by special permit from the Board of Appeals. Lots shall meet current minimum lot area requirements; no more than one apartment in addition to the primary dwelling unit may be created from any one single family dwelling; the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit; the floor area of the secondary dwelling unit shall not exceed 600 sq. ft.~~
- B. These structures, either new or conversion, are allowed in all districts except: Beach Point and Seashore District. The requirements of paragraph E shall be met.
- C A minimum lot size of 33,750 sq ft. is required for both new construction and conversion of existing structures.
- D. The Total Gross Floor Area (definition in 10.1) of the new or expanded structure(s) shall not exceed 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land:
- a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
- ~~D. Requirements. All new construction or conversions shall comply with the following.~~
- ~~1. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.~~
 - ~~2. One unit shall be owner occupied.~~
 - ~~3. The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
 - ~~4. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.~~
 - ~~5. Section 50, Area and Height regulations of this bylaw.~~
 - ~~6. The use is in harmony with the general purpose and intent of the bylaw.~~

- E Requirements. All new construction or conversions shall comply with the following.
1. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
 2. One unit shall have a 12-month lease.
 - a. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited.
 - b. Proof of year-round rental shall be provided annually to the Building Commissioner or their designee, by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as the renter's primary residence. The proof shall be submitted to the Building Commissioner prior to initial occupancy and by May 1 each following year. To Discuss – are there potential issues with the set date?
 - c. The renter shall be prevented from subletting the unit. To Discuss – is this necessary?)
 3. The second unit shall either be owner occupied or have a 12-month lease.
 - a. If the unit is owner occupied there shall be no rentals for less than 8 months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) To discuss – unless approved by ???
 - b. If there is a 12-month lease:
 - i. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited.
 - ii. Proof of year-round rental shall be provided annually to the Building Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as the renter's primary residence. The proof shall be submitted to the Building Commissioner prior to initial occupancy and by May 1 each following year. To Discuss – are there potential issues with the set date?
 - iii. The renter shall be prevented from subletting the unit. To Discuss – is this necessary?)
 4. The building shall conform to Section 50, Area and Height regulations of the Truro Zoning Bylaws.
 5. The use is in harmony with the general purpose and intent of the bylaw.
 6. The two units and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings or units thereon shall not be placed in a condominium form of ownership.
 7. Units that are rented under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees. To Discuss – there shall be such inspection prior to any rental.

Addition to use table

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
RESIDENTIAL							
Cottage or cabin colony, motor court	N	P	N	N	P	P	N
Duplex	P	N	P	P	P	P	N
Hotel	N	N	N	N	P	P	N
Motel	N	P	N	N	P	P	N
Single family dwelling (9)	P	P	P	P	P	P	P (10)

OTHER QUESTIONS TO DISCUSS

Do we allow an ADU on site? If so either cite Zoning bylaw conditions or include here

Is a failure to comply statement needed “Failure to comply will result in

Do we want to include potential for Affordable Duplex Unit using language from Affordable Accessory Dwelling General Bylaw Chapter 1 Section 11 (see below for text)

INFORMATION ON TAX EXEMPT ACCESSORY DWELLING

Truro General Bylaw May 2021

Chapter I

Section 11 TAX EXEMPTION FOR AFFORDABLE ACCESSORY DWELLING UNITS

A. Applicability

Pursuant to Chapter 306 of the Acts of 2014, Affordable Accessory Dwelling Units permitted in accordance with §40.2 of the Truro Zoning Bylaw occupied by income eligible households and rented for an amount not to exceed the fair market rents established by the United States Department of Housing and Urban Development shall be exempt from taxation under Chapter 59 of the General Laws provided they meet the following qualifying factors.

B. Exemption Calculation

The exemption shall be equal to the tax otherwise owed on the property based on the assessed value of the property, including ADUs, multiplied by the square footage of the living space of all dwelling units on the property that are restricted to occupancy by low or moderate income households, divided by the total square feet of structures on the property. For a property with a single dwelling unit, the exemption allowed shall not exceed 50% of the tax otherwise owed. For purposes of determining the assessed value of the property, if by income approach to value, the assessment shall assume that all housing units are rented at fair market rent as determined by the US Department of Housing and Urban Development. To be eligible for exemption, the housing unit shall be leased to a low or moderate income household at such rents for the entire fiscal year for which the exemption is sought.

C. Affordability Requirements

1. Households leasing and occupying the affordable dwelling unit shall upon initial application and annually thereafter on the first of September in each calendar year, submit to the Town or its agent the documentation necessary to confirm their eligibility to occupy the dwelling unit. Specifically, all dwelling units must be rented to those meeting the following guidelines for a low or moderate-income family:
 - (1) low income families having an income not exceeding eighty (80) percent of the Barnstable County median family income, and
 - (2) moderate income families having an income between eighty (80) and one hundred twenty (120) percent of the Barnstable County median family income and, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, as they may from time to time be amended.
2. Maximum rents shall be established in accordance with Fair Market Rental Guidelines published from time to time by the United States Department of Housing and Urban Development (HUD). Property owners are required to submit to the Town or its agent information on the rents to be charged. **Each year thereafter on the first of September**, they shall submit to the Town or its agent information on annual rents to be charged. Forms for this purpose shall be provided by the Town. Rents may be adjusted upward and shall be adjusted downward annually in accordance with adjustments to the Fair Market Rental Guidelines. (4/2017 [eff 10/20/2017])